

Policy 30

Alternative Dispute Resolution (ADR)

**Adopted by the Superintendents' Council 12/04/2000
Revised: 06/02/2025**

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Introduction

Alternative Dispute Resolution (ADR) is a process for resolving conflicts, one that respects the dignity of individuals while creating mutually satisfying solutions. ADR uses communication, collaboration, and mediations to produce an agreement that meets the interests of the parties involved.

The Sonoma County SELPA encourages school districts and parents to access the services of the ADR program as a means of resolving disagreements and conflicts.

Components of ADR Program

The components of the ADR program include the following:

- **Informational Pamphlets:**
 - A pamphlet describing the ADR program and process will be given to every parent of a special education child in the SELPA at IEP meetings and when a new student enters the special education system mid-year. These pamphlets describe the ADR program components and will be included with a statement of parent rights and responsibilities.
- **Phone Mediation:**
 - The Program Specialist assigned to the case will explain the ADR process to the initial caller. In order to continue ADR, all parties must sign an *Alternative Dispute Resolution Participation Guidelines and Informed Consent* form. At that point, the Program Specialist will speak to the other party to determine if some solutions can be implemented without the need for an IEP meeting. If the dispute is not resolved at this level, other ADR strategies may be employed including the following:
- **Facilitated IEP Meetings:**
 - An IEP meeting may be held to clearly identify areas of concern and to attempt to reach solutions with a larger team. As stated in the law, parents or educational staff may request an IEP meeting at any time. If the parties want the IEP facilitated, a Program Specialist will attend. The Program Specialist will clarify that they are there in a neutral role and do not represent either party. The Program Specialist will help facilitate the meeting by getting agreement on the agenda, proposed ground rules and desired outcomes.

- **Independent Child Advocate (ICA)**
 - When parents need more assistance understanding the IEP process or understanding components of their child's IEP or the offer of FAPE, an English-speaking or bilingual Spanish-speaking ICA may be assigned to the case. The ICA is not an advocate for the parent but rather for the student, based on their training in special education law, ADR strategies, an understanding of the continuum of services available, and their own experiences with their own children who have had, or are currently receiving special education services.
- **SELPA ADR Coordinator:** [Flow Chart](#)
 - The SELPA shall appoint at least one Program Specialist as the ADR Coordinator. The ADR Coordinator will ensure that when a referral is received in writing or by telephone that the case is assigned to the Program Specialist on-call for the day. The Coordinator will keep track of the disposition of the cases on the Intake spreadsheet. The ADR Coordinator will compile survey results for ongoing analysis of the program. Data shall include date, name of the district, name of the assigned mediator(s), type of issue, whether or not agreement was reached, and whether or not the case goes to state mediation or fair hearing. The Coordinator will also be responsible for ongoing trainings countywide in the ADR process and related skills.
- **Formal Mediation:**
 - If either party files for Due Process or would like assistance in mediating a settlement agreement, a Program Specialist can assist in mediating the terms. However, the LEA should have their own legal counsel draft the Settlement Agreement.

The ADR process and options in no way supersede a parent's or district's right to due process.